United Nations A/60/775/Add.1

General Assembly

Distr.: General
20 April 2006

Original: English

Sixtieth session
Agenda item 112 (e)
Elections to fill vacancies in subsidiary organs and other elections: election of 47 members of the Human Rights Council

Note verbale dated 17 April 2006 from the Permanent Mission of Morocco to the United Nations addressed to the Secretariat

The Permanent Mission of the Kingdom of Morocco to the United Nations presents its compliments to the Secretariat and, with regard to its note No. VN/134/06 of 5 April 2006 regarding the decision by the Government of Morocco to present its candidature to the Human Rights Council at the elections to be held on 9 May 2006, has the honour to enclose, in accordance with General Assembly resolution 60/251, Morocco's voluntary pledges and commitments in the field of human rights (see annex).

06-32111 (E) 040506

Annex to the note verbale dated 17 April 2006 from the Permanent Mission of Morocco to the United Nations addressed to the Secretariat

Morocco's voluntary pledges and commitments in accordance with resolution 60/251

1. The Kingdom of Morocco makes the promotion and protection of human rights and fundamental freedoms a core issue of its national and international priorities. That is in fact the reason that prompted the Kingdom to present its candidacy to the Human Rights Council.

2. Aware of the importance accorded by the United Nations to human rights issues, which are no less important than those dealing with development, international peace and security, the Kingdom of Morocco has, from the outset, actively supported the creation of the Human Rights Council, expressing thus its hope that human rights will be further reinforced and strengthened.

3. The Kingdom of Morocco, drawing upon the tolerant precepts of Islam, its time-honoured civilizational values and its international commitments, has made an irreversible commitment to democracy, the primacy of law and good governance. Just as underlined in its national Constitution, which reaffirms the Kingdom's adherence to the universally recognized human rights and fundamental freedoms, Morocco strongly believes that a genuine reinforcement of the rule of law is the best guarantee for attaining sustainable development of the individual and the community alike.

4. Widely recognized as a crossroads for different civilizations and cultures, Morocco has emerged as a strong actor for peace, tolerance and understanding between nations. Faithful to the founding principles of its historical identity, the Kingdom of Morocco continues to concentrate all its efforts to promote intercultural and interreligious dialogue.

5. The Kingdom of Morocco has ratified most of the international instruments and undertaken to submit regular national reports on the implementation of its multilateral commitments. It has also given due follow-up to all relevant recommendations and conclusions of international organs and treaties. Ensuring their effective implementation continues to be a top priority of the Moroccan Government.

Morocco's achievements in the field of human rights

6. The past six years have witnessed a considerable increase in the pace of reforms, notably in the adoption of new laws, the harmonization of national legislation with international commitments and the setting up of governmental structures and national follow-up institutions, with a view to effectively implementing relevant decisions and continuously reinforcing the role and contribution of civil society in this area.

I. Actions taken at the legislative level

A. National legislation

7. National legislation has been revised or adopted, including:

- The code of public freedoms
- The penal code and penal procedures
- The family code
- The adoption of a new law related to political parties
- The adoption of a specific law against torture
- The penalization of sexual harassment in the workplace
- The adoption of a new code for the press
- The adoption of a new law regulating civil status
- The adoption of a law related to penitentiary institutions
- The reform of a law on children's legal custody
- The adoption of a new law regulating the entry and stay of foreigners in Morocco.

Furthermore, the Moroccan Parliament adopted a law against torture, which entered into force on February 2006. This law, which incorporates the definition of torture contained in the Convention against Torture, imposes sanctions on any Government agent found guilty of torture or ill-treatment. It aims at reinforcing the Moroccan judicial apparatus, which helps to prevent, fight and deter all kinds of abuse or human rights violations.

B. Harmonizing national legislation with international commitments

8. The harmonizing of national legislation with the provisions of the international legal instruments on human rights ratified by Morocco continues to be a priority for the Moroccan authorities in order to ensure the effective implementation of the obligations arising from international instruments.

9. To ensure the continuous follow-up of the conformity of national laws with international commitments, two intergovernmental bodies were set up, namely the Inter-ministerial Commission in charge of the review of Morocco's reservations and declarations made on certain instruments it ratified, and a National Commission on Human Rights in charge of the promotion and dissemination of international instruments of human rights and humanitarian law.

10. Thus, the Inter-ministerial Commission, under the chairmanship of the Prime Minister, has recently decided on:

- The adherence of the Kingdom of Morocco to the first Optional Protocol to the International Covenant on Civil and Political Rights
- The withdrawal of the reservations concerning article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination

- The withdrawal of the reservations concerning articles 20 and 22 of the Convention against Torture
- The withdrawal of the reservations concerning article 14 of the Convention on the Rights of the Child and its replacement by an explanatory declaration, taking into consideration several constitutional and legal references.

II. Actions taken at the institutional level

11. The Kingdom of Morocco has created many institutional mechanisms, several of which are described below.

Consultative Council for Human Rights

12. The Council was created in 1994 and reorganized on 10 April 2001 on the basis of the Paris Principles regulating national human rights institutions. The Council enjoys large prerogatives, such as giving opinions relating to the protection of rights and fundamental freedoms of citizens, social groups and associations; submitting annual reports on the situation of human rights in Morocco; making recommendations on the conformity of national laws with international commitments; encouraging Morocco's ratification or adherence to various international instruments; and examining cases of human rights violations and making recommendations in this regard. The Council is an active member of the International Coordination Committee of National Human Rights Institutions, which Morocco chaired for two consecutive terms (2003-2005).

Equity and Reconciliation Commission

13. The Commission was set up in April 2004 with the objective of ultimately closing the file of past human rights violations in Morocco. It presented its final report in December 2005.

14. The Commission carried out a global assessment of the settling of cases of enforced disappearance, arbitrary detention and human rights violations in Morocco between 1956 and 1999. It led enquiries in cooperation with public authorities, victims, their families and representatives as well as concerned non-governmental organizations. It organized public hearings for victims of their relatives.

15. In terms of compensation, the Commission decided on claims made by victims of gross human rights violations or their assigns. In addition to the compensation decisions, the Commission made recommendations concerning medical and psychological rehabilitation, social reintegration and the settlement of some legal, administrative and professional disputes, as well as expropriation cases. Thus, a statement was made to the effect that certain regions and communities have suffered collectively and directly or indirectly from the repercussions of political violence. The Commission gives particular attention to community reparation.

16. The Commission prepared a final report comprising the results of investigations and analyses concerning violations and their contexts, as well as reform recommendations designed to preserve the memory and prevent the recurrence of violations, eliminate their after-effects and restore and reinforce confidence in institutions and respect for the rule of law and human rights. The Consultative Council for Human Rights is responsible for taking the necessary

measures at the governmental and non-governmental levels to ensure the follow-up and implementation of these recommendations.

Diwan Al Madhalim (Ombudsman)

17. This institution is in charge of mediating between citizens and public authorities in order to ensure respect for the rules of equality, equity and the primacy of law. It also contributes to conciliation between citizens and administrations and to extrajudiciary settlements of administrative disputes while examining complaints of those who consider themselves victims of illegal or inequitable administrative decisions.

Royal Institute for the Amazigh Culture

18. The Institute was created on 17 October 2001 and has as its main mission the promotion of different forms of expression of the Amazigh (Berber) culture and patrimony and their full integration in the national educational system. The Institute's mission is to promote and preserve the Moroccan Amazigh cultural wealth as an important and crucial component of the national identity.

III. The advanced status of Moroccan women

19. The Kingdom of Morocco is committed to promoting the status of women. On 26 January 2004, the Parliament adopted a new family code making gender equality a fundamental principle of Moroccan society and a basis for strengthening the family unit while keeping in mind the foremost interests of children, to whom Morocco attaches a crucial importance.

20. The Moroccan Government counts many women among its Cabinet members. Also, the ratio of women's representation in the Parliament has increased from 0.6 per cent in the 1997 legislative elections to 10.8 per cent in the 2001 elections (the present Parliament has 35 women members).

IV. Promotion of a human rights culture

21. To achieve the objectives of the United Nations Decade for Human Rights Education, a national programme for human rights education has been implemented at various schooling levels and in training institutes for judges and Government officials.

22. Convinced that human rights are universal, indivisible and interdependent, Morocco launched the National Initiative for Human Development as an integrated plan aimed at reducing social disparities and achieving sustained and harmonious socio-economic development based on proximity, good governance, goal-oriented projects and transparent and rational management of budgetary resources.

Morocco's commitments in the field of human rights

23. By presenting its candidacy to the Human Rights Council, the Kingdom of Morocco wishes to contribute to the reinforcement of the standards and institutional organs set up by the international community with a view to deepening the culture of human rights and consolidating international cooperation.

24. The Kingdom of Morocco commits itself to:

(a) Ensuring the ratification of or adherence to the very few international instruments to which Morocco has not yet become a party, including those in the process of being finalized (the international convention for the promotion and protection of the rights and dignity of disabled persons) or those to be adopted (the international convention on enforced disappearances);

(b) Continuing cooperation with the special procedures. In this context, it is worth mentioning that the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the human rights of migrants paid visits to Morocco, respectively, in 2000 and 2003. Morocco will continue to respond promptly and regularly to any future communications addressed by the special procedures;

(c) Presenting, on a regular basis, periodic reports to the relevant treaty bodies, ensuring the participation of high-level delegations in their deliberations and implementing pertinent recommendations and observations. In 2006, Morocco presented its initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Next month, Morocco will present its periodic report to the Committee on Economic, Social and Cultural Rights;

(d) Contributing actively to the work of the Human Rights Council through an approach based on cooperation, consultation and dialogue for the promotion, protection and the respect of all human rights be they economic, social, cultural or civil and political and the right to development;

(e) Maintaining and strengthening support to the Office of the United Nations High Commissioner for Human Rights in the implementation of its mandate and contributing, within its capacity, to its budget;

(f) Continuing its cooperation with different bodies and international and regional organizations working in the human rights field;

(g) Strengthening national mechanisms for the promotion of human rights culture such as the centre for documentation, information and training in the field of human rights, which was created in Morocco with the contribution of the Office of the United Nations High Commissioner for Human Rights. This centre supports the efforts made in favour of human rights education and fundamental freedoms;

(h) Continuing to promote the role of women in various national sectors, to protect children from abuse and to guarantee the complete participation of vulnerable persons in active life;

(i) Sharing experiences with the members of the international community, including in the domain of reparation for past human rights violations, and benefiting from the successful experiences of other countries in the area of human rights;

(j) Ensuring high-level participation in the debates of the Council, taking an active part in the negotiation of its decisions and resolutions, co-sponsoring existing and upcoming initiatives and supporting concretely the international human rights corpus. In this context, it is worth mentioning that Norway and Morocco were the

initiators of the resolution on human rights defenders at the Human Rights Commission,

(k) Continuing to maintain a genuine, responsible and constructive dialogue and permanent consultations with civil society, both at the national and the international levels;

(l) Continuing to harmonize national legislation with international commitments. A new penal code, which deals with the issue of the death penalty on the basis of the national debate on its abolition, is in its final stage of examination;

(m) Maintaining under consideration, with a view to their withdrawal, the reservations made by Morocco on certain international instruments. As a case in point, the Kingdom of Morocco is committed to withdrawing, very soon, the following reservations concerning the Convention on the Elimination of All Forms of Discrimination against Women:

- The reservation on paragraph 2, in article 9 stipulating that women shall enjoy the same rights as men in terms of their children's nationality
- The reservation on the provisions stipulating that women have the right to decide, on an equal basis with men, on family planning and to access data related to it and the reservation on paragraph 2, article 16, concerning the absence of all legal effect related to the betrothal and marriage of children and stipulating the necessity of fixing a minimum age for marriage and registering marriages in official records
- The review of the phrasing of the second part of the declaration presented on article 2 of the Convention, requiring the adoption of legal provisions for the recognition of the principle of equality between men and women
- The removal of the declaration on paragraph 4, article 15, stipulating that men and women shall enjoy the same rights in terms of the legislation regarding the movement of individuals and the freedom to choose their place of residence
- The replacement of the reservation formulated on paragraph 1, article 16, by an explanatory declaration.

In addition, the Kingdom of Morocco will soon adhere to the Optional Protocol to the Convention.

25. Willing to continue its active contribution to the reinforcement of the rule of law and the promotion of human rights, both at the national and international levels, the Government of the Kingdom of Morocco would highly appreciate the valuable support of the States Members of the United Nations for the election of Morocco to the Human Rights Council.